

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC., and
ENBRIDGE ENERGY, LP

Defendants.

ENBRIDGE ENERGY, LP

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION and
NAOMI TILLISON, in her official capacity

Counter-Defendants.

Case No. 3:19-cv-00602

Judge William M. Conley
Magistrate Judge Stephen Crocker

DECLARATION OF IMPERIAL OIL LIMITED IN SUPPORT OF ENBRIDGE'S
OPPOSITION TO MOTION FOR INJUNCTION

I, Alisdair Hutchinson, have personal knowledge of the following and make this declaration in support of Enbridge Energy, Limited Partnership's ("Enbridge") opposition to Plaintiffs motion for injunction:

1. My business address is 505 Quarry Park Blvd. SE, Calgary, Alberta T2C 5N1 Canada. My current position is Crude and Products Logistics Optimization and Business Development Manager of Imperial Oil Limited ("Imperial").

2. Imperial is an integrated energy company that refines and markets products essential to society across the full value chain, including operating two refineries in Sarnia and Nanticoke, Ontario.

3. Imperial's two refineries in Ontario receive a significant amount of their crude imports from Enbridge's Line 5.

4. Enbridge has advised us that, as a result of any injunction concerning Line 5's operation, future crude oil deliveries via Enbridge's pipeline system to United and others will be curtailed by as much as 60% of typical shipment volumes.

5. As a result of any injunction, if Line 5 should remain out of service beyond several days, production rates at Imperial's two Ontario refineries will be significantly reduced, which would result in shortfalls of gasoline, diesel, and jet fuel in southern Ontario within approximately one week. This would have a significant effect on consumers throughout the region, leading to product availability challenges and price increases that will only subside once alternative arrangements are in place.

6. Imperial does not have any feasible transportation alternatives to replace the crude oil volumes currently transported by Line 5 to the region.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on this 12th day of May, 2023.

— DocuSigned by:

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